

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

September 25, 2018

Relates to Item #9

Upholding the Regional Planning Commission Decision Related to Project No. R2012- 00034

On May 23, 2018, the Los Angeles County (County) Regional Planning Commission (Commission) conducted a duly-noticed public hearing on Project No. R2012-00034 and denied the application for Nonconforming Review (NCR) No. 201200001. Mitchell Investors, LLC (Applicant) filed the NCR application in 2012 to authorize the continued operation of an existing indoor automobile body repair business at 7702 Maie Avenue in the unincorporated community of Florence-Firestone (Property), in the Light Manufacturing Zone.

The Commission denied the application based on evidence that the Applicant has continued to operate unpermitted businesses on the Property that go beyond the scope of what can be approved through an NCR. The NCR permit allows for the continuation of a use that is no longer allowed in the zone due to evolving land use designations. In their review, the Department of Regional Planning (DRP) staff found evidence of several land uses on the site that were never legally established, as well as new construction activities, which make the NCR application invalid. The decision was also based on the extensive history of zoning violations on the Property, lack of material progress on the application, and failure to demonstrate its capacity to meet the required Burden of Proof.

MOTION

SOLIS _____

RIDLEY-THOMAS _____

HAHN _____

BARGER _____

KUEHL _____

**MOTION BY SUPERVISOR MARK RIDLEY-THOMAS
SEPTEMBER 25, 2018
PAGE 2**

The Applicant's representative, Luna and Glushon Attorneys at Law, appealed the Commission's decision on June 5, 2018, citing unsupported allegations and insubstantial evidence by DRP staff as the reason for the appeal. However, DRP staff has presented ample photographic evidence, email correspondence, and testimony to substantiate the concerns associated with the denial of the NCR. Five community members testified at the May 23, 2018 Commission hearing in favor of the Commission denying the permit. Community members corroborated DRP staff's reports of the presence of zoning violations, health hazards including oil run-off and strong, visible fumes coming from the Property towards their adjacent homes, and unpermitted activities occurring on the Property.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Close the Public Hearing;
2. Affirm that Project No. R2012-00034 is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to State and Los Angeles County CEQA Guidelines;
3. Indicate the Board of Supervisors' intent to deny the appeal for Nonconforming Review (NCR) No. 201200001 and uphold the findings of the Regional Planning Commission; and
4. Direct County Counsel to prepare the final findings for denial.

#

(CT/KK)